

JOURNAL OF THE HOUSE.

Tuesday, July 5, 2005.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Gracious God, You have created us for a purpose, You gave meaning to our lives and You have endowed us with the capacity to reason and to make personal decisions. In Your goodness, guide us as we face and address the many complex legislative and policy issues of each day. Grant us the patience and the wisdom to examine carefully the information and data which is brought to our attention for our personal legislative decisions. Yesterday's celebration of the Fourth of July was a reminder to us of our freedoms and responsibilities as citizens and the rights of all to disagree in a respectful manner on all issues. May the needs of people and of our communities remain our top priority as we together build a peaceful, compassionate and prosperous society.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor — Disapprovals and Reductions in General Appropriation Bill.

General Appropriation Bill, vetoes and reductions.

A message from His Excellency the Governor returning with His disapproval of certain items and a section and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements [see House, No. 4200] (for message, see House, No. 4230) was filed in the office of the Clerk on Thursday, June 30.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

Message from the Governor — General Appropriation Bill Returned with Recommendations of Amendments.

General Appropriation Bill, amendments.

A message from His Excellency the Governor returning with recommendations of amendments Sections 10 and 30 contained in the engrossed Bill making appropriations for the fiscal year 2005 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking

fund and serial bond requirements and for certain permanent improvements [see House, No. 4200] (for message, see House, No. 4231 – Attachments C and D) was filed in the office of the Clerk on Thursday, June 30.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the amendments severally were thereupon “before the General Court and subject to amendment and re-enactment”.

Pending the question on adoption of the amendments recommended by the Governor, the subject-matters (printed as House, Nos. 4232 and 4233) were referred, in each instance, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Messages from the Governor.

A message from His Excellency the Governor recommending legislation relative to expanding family shelter eligibility (House, No. 4229) was filed in the office of the Clerk on Thursday, June 30.

Family shelter eligibility.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Children and Families. Sent to the Senate for concurrence.

A message from His Excellency the Governor recommending legislation relative to reforming the Massachusetts Rental Voucher Program (House, No. 4234) was filed in the office of the Clerk on Thursday, June 30.

Rental voucher program.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Children and Families. Sent to the Senate for concurrence.

A message from His Excellency the Governor recommending legislation relative to encouraging the registration of sex offenders (House, No. 4235) was filed in the office of the Clerk on Thursday, June 30.

Sex offenders, registration.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on the Judiciary. Sent to the Senate for concurrence.

A message from His Excellency the Governor recommending legislation relative to modifying nursing facility rate reviews (House, No. 4236) was filed in the office of the Clerk on Thursday, June 30.

Nursing facilities, rate reviews.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Public Health. Sent to the Senate for concurrence.

Resolutions.

Resolutions (filed with the Clerk by Mr. Smola of Palmer) congratulating Dr. Linda E. Denault on the occasion of her retirement, were referred, under Rule 85, to the committee on Rules.

Linda E. Denault.

Mrs. Parente of Milford, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension

of the rules, on motion of Mr. Koutoujian of Waltham, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

The following petitions (having been deposited in the office of the Clerk previously to five o'clock in the afternoon on Wednesday, December 1, 2004) severally were presented and they were referred, under Rule 24 and Joint Rule 13, as follows:

Oxford,
Parliamentary
rules.

By Mr. Carron of Southbridge, petition (accompanied by bill, House, No. 4237) of Mark J. Carron and others (by vote of the town) relative to amending the charter of the town of Oxford concerning parliamentary rules governing town meetings;

Oxford,
private
loans.

By the same member, petition (accompanied by bill, House, No. 4238) of Mark J. Carron and others (by vote of the town) that the town of Oxford be authorized to provide financial assistance to homeowners to replace certain water supply wells in the area of Sacarrappa Pond; and

Winchendon
refinance
bonds.

By Mr. Knuuttila of Gardner, petition (accompanied by bill, House, No. 4239) of Brian Knuuttila and Stephen M. Brewer (by vote of the town) relative to authorizing the town of Winchendon to refinance certain bonds;

Severally to the committee on Municipalities and Regional Government.

Gardner,
police
incentive
pay.

By the same member, petition (accompanied by bill, House, No. 4240) of Brian Knuuttila and Robert A. Antonioni (with the approval of the mayor and city council) that the city of Gardner be authorized to provide a career incentive pay program for police officers. To the committee on Public Service.

Winchendon,
open space.

By the same member, petition (accompanied by bill, House, No. 4241) of Brian Knuuttila and Stephen M. Brewer (by vote of the town) for legislation to establish an open space fund in the town of Winchendon. To the committee on Revenue.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Norfolk,
public
works.

By Mr. Ross of Wrentham, petition (accompanied by bill, House, No. 4242) of Richard J. Ross and Scott P. Brown relative to the board of the public works of the town of Norfolk; and

Millis,
charter.

By the same member, petition (accompanied by bill, House, No. 4243) of David Paul Linsky and Scott P. Brown (by vote of the town) relative to the annual and special town meetings of the town of Millis;

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Papers from the Senate.

Dawn
Heinle-
Kimball,

A Bill establishing a sick leave bank for Dawn Heinle-Kimball, an employee of the Trial Court (Senate, No. 2072, amended in sec-

tion 2 (as printed), in line 1, by inserting after the name "Heinle-Kimball" the words "terminates employment with the trial court or") (on a petition), passed to be engrossed by the Senate, was read.

sick leave
bank.

Under suspension of the rules, on motion of Mr. Peterson of Grafton, the bill was read a second time forthwith; and it was ordered to a third reading.

House Reports

Of the committee on Tourism, Arts and Cultural Development, asking to be discharged from further consideration

Filmmaking,
encourage.

Of the petition (accompanied by bill, Senate, No. 1842) of Brian P. Lees, Bruce E. Tarr, Michael R. Knapik and Scott P. Brown for legislation to encourage filmmaking in the Commonwealth; and

Motion
pictures,
tax credit.

Of the petition (accompanied by bill, Senate, No. 1843) of Brian P. Lees, Bruce E. Tarr and Scott P. Brown for legislation relative to tax credits for motion pictures

And recommending that the same severally be referred to the House committee on Ways and Means.

Severally having been accepted by the House, came from Senate with the endorsement that said branch had non-concurred, in each instance, in the discharge of the joint committee.

On motions of Mr. Turkington of Falmouth, the House then receded from its actions; and, on further motions of the same member, the petitions severally were recommitted to the committee on Tourism, Arts and Cultural Development.

Reports of Committees.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing the interstate compact for adult offender supervision (House, No. 4192) ought to pass with amendments in lines 137, 138 and 139 by striking out the sentence contained therein and inserting in place thereof the following sentence: "The Commissioner of Probation shall appoint the compact administrator, who shall serve as the state's commissioner on the interstate compact commission, and the salary of the compact administrator shall be set by the Commissioner of Probation."; in line 140 by striking out the words "compact administrator" and inserting in place thereof the words "Commissioner of Probation"; in line 143 by inserting after the word "advise" the words "the Commissioner of Probation and"; and in line 144 by striking out the words "or his designee". Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Adult
offender
supervision.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House, with the amendments pending.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendments recommended by the committee on Ways and Means were adopted; and the bill (House, No. 4192, amended) was ordered to a third reading.

Affordable housing, financing.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to financing the production of affordable housing (House, No. 2610) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4244) [Bond Issue: \$200,000,000.00]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending and the amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets (House, No. 4161) also pending.

Sales tax exemptions.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill providing for a certain exemption from the sales tax (House, No. 4220) ought to pass with certain amendments. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendments pending.

Vocational teachers.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the following Bills ought to pass:

The Senate Bill relative to creditable service for vocational education teachers (Senate, No. 2057); and

House bills

Accidental death benefits.

To increase the amount of benefit to children who are survivors in the case of an accidental death benefit under the provisions of Chapter 32 (House, No. 13);

Organ donors.
Tewksbury land.

Relative to living organ donation (House, No. 476);

Authorizing the conveyance of certain land in the town of Tewksbury to Mr. Robert W. Lafreniere (House, No. 1421);

Hingham, land.

Authorizing Capital Asset Management and Maintenance to convey certain land to the town of Hingham (House, No. 1430);

Transportation finance.

Relative to the transportation finance commission (House, No. 2116, changed);

Marlborough, land.

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Marlborough (House, No. 4162); and

Special education services.

To maximize federal reimbursement for special education services for children with Autism (House, No. 4177);

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reading, Water Resources Authority.

By Mr. Scaccia of Boston, for the committee on Rules, on a message from His Excellency the Governor, a Bill relative to the town of Reading (printed in House, No. 4187). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Senate bills

Clarifying the powers and duties of the Charlton water and sewer commission (Senate, No. 1163) [Local Approval Received];

Charlton Water and Sewer.

Designating the Massachusetts National Guard way in the city of Westfield (Senate, No. 1915); and

Westfield, road.

Providing timely access to emergency contraception (Senate, No. 2073); and

Emergency contraception

House bills

Regulating liquefied natural gas tanker import terminals (House, No. 1418, changed);

Natural gas tankers.

Designating a certain bridge in the town of Weymouth as "The Weymouth Veterans Memorial Bridge" (House, No. 1693, changed);

Weymouth, Veterans Bridge.

Relative to the Swansea Water District (House, No. 3557);

Swansea.

Further regulating reporting requirements of constables (House, No. 3573);

Constables.

To improve municipal borrowing procedures (House, No. 3589);

Municipal borrowing.

Relative to appropriations to municipal stabilization funds (House, No. 3609);

Municipal funds.

Relative to local mandates (House, No. 3610);

Local mandates.

To designate all or part of certain state highways in Essex County as a coastal scenic byway (House, No. 4036);

Essex county, scenic byway.

Establishing a traffic commission in the city of Woburn (House, No. 4063) [Local Approval Received];

Woburn, traffic.

Authorizing certain appropriations from the town of Bridgewater capital projects fund (House, No. 4095) [Local Approval Received];

Bridgewater, projects fund.

Relative to the membership of the Conservation Commission of the town of Falmouth (House, No. 4098) [Local Approval Received];

Falmouth, conservation commission.

Authorizing the town of Dedham to transfer land for senior center purposes (House, No. 4102) [Local Approval Received];

Dedham, land.

Relative to the charter of the town of Eastham (House, No. 4103) [Local Approval Received];

Eastham, charter.

Relative to the charter of the town of Rockland (House, No. 4107) [Local Approval Received];

Rockland, charter.

Relative to the charter of the town of Rockland (House, No. 4108) [Local Approval Received];

ri

Relative to the charter of the town of Rockland (House, No. 4109) [Local Approval Received];

ri

Relative to the charter of the town of Rockland (House, No. 4110) [Local Approval Received];

ri

Authorizing the town of Brookline to increase the expenditure cap on chapter 44, section 53E1/2 revolving funds (House, No. 4112) [Local Approval Received];

Brookline, revolving funds.

Relative to the board of health in the town of North Andover (House, No. 4115) [Local Approval Received];

North Andover, health board.

Authorizing the town of North Andover to grant a certain utility easement (House, No. 4116) [Local Approval Received];

North Andover, easement.

Relative to the city of Chicopee (House, No. 4117) [Local Approval Received];

Chicopee, solicitor.

Relative to certain conservation land in the town of Falmouth (House, No. 4133) [Local Approval Received]; and

Falmouth, land.

Relative to the Greater Lawrence Sanitary District (House, No. 4138);

Lawrence, sanitary district.

Severally placed in the Orders of the Day for the next sitting for a second reading.

Canton and
Stoughton,
land.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, ought NOT to pass, on the petition (accompanied by bill, House, No. 4084) of William C. Galvin and Brian A. Joyce (by vote of the town) that the town of Canton be authorized to dispose of certain land located in said town and also in the town of Stoughton.

Rehoboth,
conservation
fees.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4132) of Philip Travis (by vote of the town) for legislation to authorize the conservation commission of the town of Rehoboth to impose fees for the employment of outside consultants.

Infectious
diseases.

By Mr. Koutoujian of Waltham, for the committee on Public Health, ought NOT to pass, on the petition (accompanied by bill, House, No. 1633) of Gale D. Candaras and others relative to infectious disease control.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

At twenty-eight minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Petrolati of Ludlow being in the Chair) the House adjourned, to meet tomorrow at eleven o'clock A.M.